

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-68 were pending in the application, of which Claims 15, 26, 40, 42, 44, 51, and 62 are independent. In the Final Office Action dated June 29, 2005, Claims 3, 10-15, 18-40, 42, 44-47, and 51-68 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 remain in this application, Claims 69-75 being added herein. Applicant hereby addresses the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action dated June 29, 2005, the Examiner rejected Claims 3, 10-15, 18-40, 42, 44-47, and 51-68 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0002552 ("Schultz") in view of "CellPoint and Nebraska Join Forces" ("CellPoint") in view of U.S. Published Patent Application No. 2002/0087408 ("Burnett"). Claims 15, 26, 40, 42, 44, 51, and 62 have been amended to further define and clarify the invention, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 15 is patentably distinguishable over the cited art for at least the reason that it recites, for example, that the "confirmation query ... provides the user with distance selection options for presenting distance information as one of the following: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking." Amended Claims 26, 40, 42,

44, 51, and 62 each include a similar recitation. Furthermore, amended Claims 15, 26, 40, 42, 44, 51, and 62 each include other recitations functionally or structurally relating the aforementioned recitation to the claimed invention.

In contrast, and as stated by the Examiner, *Schultz* and *CellPoint* fail to expressly disclose providing the user with selection options for presenting distance information as absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking. (See Office Action, paragraph 74, page 22.) The Examiner further states that the aforementioned is nonfunctional descriptive data and not functionally involved in any recited stages. Thus, according to the Examiner, the aforementioned recitation does not distinguish the claimed invention from the prior art even though *Schultz* and *CellPoint* fail to expressly disclose the aforementioned recitation. (See Office Action, paragraph 75, page 22-23.) Applicant respectfully submits that amended Claims 15, 26, 40, 42, 44, 51, and 62 each include other recitations that either functionally or structurally relate the aforementioned recitation to the claimed invention, thus causing the aforementioned recitation to provide patentable weight to the invention. For example, as recited in amended Claim 15, Applicant respectfully submits that "wherein the estimated distance is presented according to a distance identifier selected from the distance selection options" causes the aforementioned recitation to either functionally or structurally relate to the claimed invention. In other words, amended Claim 15 includes presenting the estimated distance according to a distance identifier, which is not the same as merely reciting the contents of data or the wording of the options. Accordingly, Applicant is not claiming the wording or other descriptive data, but instead, Claim 15 includes that the estimated

distance is presented according to a distance identifier selected from the distance selection options, for example.

Furthermore, while *Schultz* and *CellPoint* fail to expressly disclose the aforementioned recitation, *Burnett* does not overcome their deficiencies. *Burnett* merely discloses a system for providing information to intending consumers. Like *Schultz* and *CellPoint*, *Burnett* at least does not disclose that the confirmation query provides the user with distance selection options for presenting distance information as one of the following: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking.

Combining *Schultz* and *CellPoint* with *Burnett* would not have led to the claimed invention because *Schultz*, *CellPoint*, and *Burnett*, either individually or in any reasonable combination, at least do not disclose “confirmation query ... provides the user with distance selection options for presenting distance information as one of the following: absolute distance, shortest travel distance, distance in time when driving, distance in time when bicycling, and distance in time when walking”, as recited by amended Claim 15. Amended Claims 26, 40, 42, 44, 51, and 62 each include a similar recitation. Accordingly, independent Claims 15, 26, 40, 42, 44, 51, and 62 each patentably distinguish the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 15, 26, 40, 42, 44, 51, and 62.

Dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-68 are also allowable at least for the reasons described above regarding independent Claims 15, 26, 40, 42, 44, 51, and 62, and by virtue of their respective dependencies upon independent Claims 15, 26, 40, 42, 44, 51, and 62. Accordingly, Applicant respectfully

requests withdrawal of this rejection of dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, and 63-68.

II. New Claims

Claims 69-75 have been added to more distinctly define and to round out the protection for the invention to which Applicant is entitled. Applicant respectfully submits that these claims are allowable over the cited art and that they add no new matter.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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